

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:09-CR-740 CAS
	)	
BLAKE SMITH,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on defendant Blake Smith's Motion for Early Termination of Supervised Release. For the following reasons, the motion will be denied.

On April 22, 2010, Mr. Smith was sentenced to time served and a 50-year term of supervised release on the charge of possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B). Mr. Smith has been on supervised release since April 23, 2010. Defendant's supervised release is set to expire on April 22, 2060.

The United States Probation Office opposes the early termination of supervised release. While Mr. Smith appears to be in compliance with the terms of his supervised release, Mr. Smith has not yet graduated from weekly treatment to the relapse prevention program. Due to the severity of his criminal offense and the length of time on supervision, the probation office recommends that his request for an early discharge from supervised relief be denied.

The government also filed an opposition to Mr. Smith's motion. The government noted in its response that under 18 U.S.C. § 3581(k), "the authorized term of supervised release for any

offense under section . . . 2252A . . . is any term of years not less than 5, or life.” 18 U.S.C. § 3581(k). Mr. Smith has not yet been on supervised release for five years.

After considering the factors in this case, the Court finds that Mr. Smith does not meet the criteria for early termination of his supervised release, and his motion will be denied without prejudice at this time.

Accordingly,

**IT IS HEREBY ORDERED** that Blake Smith’s Motion for Early Termination of Supervised Release is **DENIED without prejudice**. [Doc. 29]

A handwritten signature in black ink, appearing to read "Charles A. Shaw", written over a horizontal line.

**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 29th day of October, 2014.